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**From:** Mack, Sara [mack.sara@epa.gov]  
**Sent:** 4/3/2019 9:01:45 PM  
**To:** AO OPA OMR CLIPS [AO\_OPA\_OMR\_CLIPS@epa.gov]  
**Subject:** Daily Clips 4/3

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## Administration

### Daily Journal Online

#### EPA Administrator recognizes progress at Madison County Mines Superfund site

[https://dailyjournalonline.com/community/democrat-news/news/epa-administrator-recognizes-progress-at-madison-county-mines-superfund-site/article\\_ce254818-f9fe-59f1-87f0-823dd5cf37ba.html](https://dailyjournalonline.com/community/democrat-news/news/epa-administrator-recognizes-progress-at-madison-county-mines-superfund-site/article_ce254818-f9fe-59f1-87f0-823dd5cf37ba.html)

**Posted: 9:00am, April 3, 2019**

Monday, the U.S. Environmental Protection Agency announced significant progress at the Madison County Mines Superfund site, which has been on the Administrator's emphasis list of Superfund sites targeted for immediate, intense action.

After achieving critical milestones, EPA removed the Madison County Anschutz Mine site in Fredericktown, from the list. The site was one of three updates made to the list. There is a total of 15 Superfund sites on the revised list, with 13 sites removed to date.

"Removing Madison County Anschutz Mine and Tar Creek and adding Olin Chemical to the Administrator's Emphasis List demonstrates EPA's dedication to accelerating cleanup activities that protect human health and the environment and improve local communities," said EPA Administrator Andrew Wheeler. "The cleanups at these sites further the commitment EPA made in the Federal Lead Action Plan by managing lead contamination at Superfund sites, thereby reducing exposure to community residents."

The Madison County Anschutz Mine was placed on the Administrator's Emphasis List to promote the timely implementation of a property-wide cleanup of historical surficial mine waste contamination proposed by the new owners, which will also allow for the beneficial re-use of the property and potentially create significant economic benefit for the local community. The new property owners intend to re-open a former cobalt mine, which could employ hundreds of residents. EPA and the new owners signed an Administrative Settlement Agreement and Order on Consent to conduct the work.

"Reopening the mine represents a tremendous economic opportunity for the Fredericktown community," said EPA Region 7 Administrator Jim Gulliford. "The property owners' efforts to restore mining operations and clean up the mine demonstrate how economic and environmental revitalization go hand-in-hand."

Since the cleanup began at the Madison County Mines, the EPA has completed the remediation of over 626,000 cubic yards of soil at more than 1,900 residential properties in and around Fredericktown, in addition to cleaning up approximately 87 acres of mine waste. EPA's response actions have resulted in a significant reduction of elevated blood lead in children tested throughout Madison County.

## **Background**

EPA established the Administrator's emphasis list in December 2017 in response to recommendations from EPA's Superfund Task Force. Each site on the Administrator's emphasis list has a short-term milestone to provide the basis for tracking progress at the site. EPA will consider removing a site from the list once the milestone is achieved. Removal from the Administrator's Emphasis List does not change the site's status on the National Priorities List.

EPA remains dedicated to addressing risks at all Superfund sites, not just those on the Administrator's emphasis list. The Superfund Task Force Recommendations are aimed at expediting cleanup at all Superfund sites. EPA continues to accelerate progress at Superfund sites across the country.

## **E&E News**

### **Lawmakers press Wheeler on spending cuts, climate change**

<https://www.eenews.net/greenwire/stories/1060141913/search?keyword=epa>

**Kevin Bogardus**

**Posted: April 3, 2019**

Democratic senators today pressed EPA Administrator Andrew Wheeler about President Trump's proposal for drastic budget cuts at his agency.

Wheeler testified this morning before the Senate Interior, Environment and Related Agencies Appropriations Subcommittee.

He had to defend the White House fiscal 2020 budget for EPA, which would give the agency about \$6.1 billion, slashing nearly a third of its current funds at roughly \$8.8 billion.

The EPA chief was also questioned about declining staffing at the agency as well as proposals to curtail various environmental regulations.

In his opening statement, Sen. Tom Udall (D-N.M.), the subcommittee's ranking member, said he was relieved that Wheeler's predecessor, Scott Pruitt, is "no longer dominating the news cycle with daily scandals. But the bottom line is that I don't see much of a change in terms of policy."

The New Mexico senator noted that the administration has proposed deep cuts in past EPA budgets only to be rejected by Congress, which has kept level funding for the agency in recent years.

Udall said he was tired of the gamesmanship and made reference to Trump's announcement at a Michigan campaign rally last week that he would fully fund the Great Lakes Restoration Initiative after his budget plan proposed to cut it by 90 percent.

Wheeler has said he agrees with the president's remarks and EPA is working with the Office of Management and Budget to amend its budget plan.

"It's a wink and the nod that the budget request isn't really real. But that, I submit to you, makes a mockery of the process. Budgets are statements of policy priorities," Udall said, saying Trump's budget plan shows the administration favors industry over the environment. "There is no wink or nod — or announcement at a rally — that can undo that."

Sen. Lisa Murkowski (R-Alaska), the subcommittee's chairwoman, thanked Wheeler for returning EPA to its basic functions but also said she found the Trump budget plan would not match up with the administration's goals for the agency. She said the agency's final budget will look different from the president's request.

"While I appreciate this budget's recognition of numerous programs that do have bipartisan support, many of the reductions would, in my view, be inconsistent with some of the back-to-basics approach I just mentioned," Murkowski said.

Wheeler, in his opening statement, emphasized the administration's deregulatory work at EPA as well as its support of water infrastructure and a new proposed Healthy School Grants program with \$50 million in funding.

The EPA administrator said the administration is proving that economic growth and environmental protection can go hand in hand.

### **Asbestos, climate**

Wheeler was often pushed by Democratic senators to take quicker action on priorities. Sen. Jon Tester (D-Mont.) asked when EPA would finalize its risk evaluation for asbestos, which has plagued residents of Libby in his state, by the end of this year. Wheeler said that was EPA's goal.

"We have got people dying from this, OK? And it's not a pleasant death. Why is it out there?" Tester said.

Wheeler said EPA's goal is to finish the evaluation by the end of this year, but he said he didn't want to "prejudge" the assessment. Tester argued that the material should be off the market given its deadly effects.

"If it's rock-solid, we will move quickly to pull it off the market," Wheeler said.

Senators also had questions over EPA's work on climate change. Sen. Jeff Merkley (D-Ore.) reminded Wheeler that during his confirmation hearing to be EPA administrator, Wheeler told him that climate change ranked as eight or nine out of 10 as a concern for him.

"If you have a high level of concern, how come you are cutting funding for key climate programs?" Merkley said.

Wheeler pointed to new proposed rules to replace Obama-era regulations to lower carbon emissions from power plants and vehicles. Merkley said those new rules would lead to increased carbon pollution.

Udall noted that EPA as part of its enforcement function is performing fewer inspections and under Trump's budget would cut funding for state agencies that would have to pick up the slack.

Wheeler countered by saying that EPA is focusing on areas that are not in line with environmental standards and that the number of criminal cases started by the agency rose last year.

"We are focusing on compliance and audits at the beginning of the process, but we are making sure that if people are violating the law, we are taking action, including criminal action against them," Wheeler said.

### **Staffing, vacancies**

Udall confronted Wheeler on staffing. Hundreds of employees have left the agency under the Trump administration.

The ranking member said EPA has the funding in place to hire their replacements, given that lawmakers have rejected proposed budget cuts for the agency, but has not done so.

"I see this as an intentional effort to cripple the EPA so badly, effects will last well past this administration," Udall said.

Wheeler acknowledged that it is a challenge for the agency. He noted that 40 percent of EPA staff members are eligible to retire. In addition, he said, sometimes staffing surges fail to come through.

Wheeler said EPA hired 30 people last year to work on Toxic Substances Control Act issues, but 30 people left during that time period.

"My main concern is we have the right expertise," Wheeler said.

At times during this hearing, the EPA administrator lamented how arduous the Senate confirmation process has been to fill out political leadership at the agency.

Wheeler said he hopes EPA will have the head of its land and emergency response office in place before the next hurricane season hits, given that he was first nominated for the job nearly 400 days ago.

In addition, Wheeler said prospects have turned down the chance to join EPA, given the length of the confirmation process, acknowledging that its research office also does not have a Senate-confirmed head.

"We have had a hard time of filling positions because people look at how long the process takes, and they have told us no," Wheeler said.

Wheeler's testimony this morning was his second hearing this week, after he appeared before the House Interior, Environment and Related Agencies Appropriations Subcommittee yesterday.

He will also be back on Capitol Hill next week. The EPA administrator is slated to testify about Trump's budget request before the House Energy and Commerce Subcommittee on Environment and Climate Change on Tuesday.

### **E&E News**

#### **5 takeaways from Wheeler's House appearance**

<https://www.eenews.net/eedaily/stories/1060140905>

**George Cahlink and Kevin Bogardus**

**April 3, 2019**

EPA Administrator Andrew Wheeler found himself on the defensive yesterday as House Democrats bashed proposals for slashing the agency's budget and warned him against pursuing regulatory rollbacks.

"I think the EPA does have a role to play in protecting our air and water. We were making it clear that some of the Obama administration rules that were in place are a part of the EPA's charter to protect air and water," House Interior-EPA Appropriations Subcommittee Chairwoman Betty McCollum (D-Minn.) told E&E News after the two-hour hearing.

McCollum said she would push for a "significant bump" for EPA when she writes her panel's fiscal 2020 spending bill. She does not yet have a date for the markup but expects to have the legislation ready for floor action in June.

Here are five takeaways from Wheeler's first congressional hearing since his Senate confirmation earlier this year.

### **Great Lakes getting funded**

The Trump administration loves the Great Lakes. Just ignore its budget request.

Last week, President Trump said at a Michigan campaign rally he would fully fund the Great Lakes Restoration Initiative. His budget plan for fiscal 2020, however, would only give \$30 million for the effort — or about 10% of its current funding.

Under questioning from Rep. David Joyce (R-Ohio), the subcommittee's ranking member, Wheeler said he agreed with the president's remarks and that EPA was working with the Office of Management and Budget on how best to address Trump's directive.

The cleanup program would receive \$300 million under the changed plan, according to Wheeler. In addition, the EPA chief said he was working on coordinating a joint visit to the Great Lakes with Canada's environment minister.

Wheeler reminisced about growing up in Ohio.

"I believe I am the only EPA administrator in the history of the agency to go swimming in the Great Lakes," Wheeler said at yesterday's hearing. "I love the Great Lakes."

Joyce also remembered his childhood when he went swimming in Lake Erie.

"I'm amazed I still have any hair," Joyce jokingly said. "We have come a long way since those days with the restoration initiative and the efforts we have done."

### **Sidestepping climate**

Wheeler largely sidestepped talk about EPA action on climate change, not even using the word "climate" in his seven-page opening statement.

While mentioning that EPA would be a global leader on clean air and safe drinking water, Wheeler was far more comfortable talking about regulatory changes underway at the agency.

He noted EPA helped with Trump's "record economic gains" by finalizing 38 "deregulatory" actions that saved \$3 billion.

Democratic appropriator Chellie Pingree from Maine tried to goad Wheeler on climate change, noting he had recently said he does not see global warming as a top environmental threat.

"If this isn't an existential threat, I don't know what is," she told the EPA chief.

Wheeler did not bite and denied Democratic charges that the Trump administration dismantled President Obama's signature climate initiative, the Clean Power Plan. He said the Supreme Court opted to put that effort to curb emissions on hold.

### **Workforce woes**

EPA's green workforce is graying.

Wheeler said he's concerned that about 40% of EPA employees will be eligible for retirement within the next five years.

"We're trying" to replace them, said Wheeler, who added that he had been personally involved with the recent hiring of the agency's first permanent chief of human resources in several years.

But Wheeler conceded that for every new employee walking in the door, there seems to be another leaving.

For example, he noted, the agency hired 30 new employees to work on the Toxic Substances Control Act program last year, but about 30 current employees also left the TSCA program last year.

Rep. Mike Quigley (D-Ill.) said more than 100 employees have left EPA's Region 5 over the past year and that few of the scientists, program managers and other personnel have been replaced.

He said some of the difficulty in filling openings and keeping employees may come from frustration among workers with Trump environmental policies.

Democrats asked Wheeler to provide them a detailed strategic plan for hiring and recruiting workers during the next several years.

### **Emissions blowback**

Top House Democratic appropriator Nita Lowey of New York, who roundly criticized proposed EPA budget cuts, saved some of her toughest words for proposed rollbacks of Obama-era car emissions standards.

"To say I am concerned about this action is an understatement," Lowey said of an administration plan that would in effect freeze plans to reduce tailpipe emissions by keeping them at 2020 levels through 2026.

She asked Wheeler whether he could name a single car manufacturer that supported the rollback, which has caused some angst in the automotive community because it could lead to a state-by-state regulatory approach for emissions.

Wheeler did not name an auto manufacturer but said car companies were paying penalties or using credits to get around Obama standards. He insisted any new approach would still cut emissions, lead to savings for car buyers and have the support of most states.

Lowey's concerns, though, suggest EPA's plan might not get far.

The chairwoman could seek to use this year's spending bill to block the Trump administration from spending any dollars for overhauling car emissions rules.

### **Cooling-off period**

A year ago, Wheeler's predecessor at EPA, Scott Pruitt, was having a much more difficult time on Capitol Hill.

In a single day, he testified at not one but two congressional hearings. Both rooms were packed as he fought for his political life, pushing back against various ethics allegations and facing calls to resign.

The story was much different yesterday for Wheeler at his inaugural appearance since his confirmation as EPA chief. Much of lawmakers' questioning centered on EPA policies rather than him personally. Rows of seats sat empty.

Toward the end of the hearing, Rep. Mike Simpson (R-Idaho) lightheartedly asked Wheeler whether EPA really cared about the environment.

"Yes, I would say we all care about the environment. I take the mission of the agency very seriously, to protect the environment and public health," Wheeler said.

Simpson quipped in return, "Because if you just walked into the middle of a hearing, you would never know it."

McCollum quickly countered that Democratic disagreements with the agency were about policy, not EPA officials' motivations.

"I do believe EPA cares about the environment, but it is just the way we prioritize some of the work that we do" oppose, McCollum said, clarifying that Simpson's comments did not apply to her.

## **Outlook**

Wheeler is back on Capitol Hill, this time appearing before the Senate Appropriations Interior and Environment Subcommittee. And ranking member Tom Udall (D-N.M.) will not mince words in opposing EPA's budget request.

"I'm tired of the now-commonplace responses from representatives of this administration in our budget hearings," Udall will say, according to prepared remarks.

"We hear repeatedly, year after year, that they would be – quote – 'happy to work with Congress on final spending levels.' It's a wink and the nod that the budget request isn't really real. But that makes a mockery of our process."

## **Environmental Working Group**

### **In Senate Hearing, EPA's Wheeler Rejects Calls To Ban Asbestos, Dodges Risks From PFAS Chemicals**

<https://www.ewg.org/release/senate-hearing-epa-s-wheeler-rejects-calls-ban-asbestos-dodges-risks-pfas-chemicals>

**Alec Formuzis**

**Posted: April 3, 2019**

WASHINGTON – In testimony today before a Senate appropriations committee, Environmental Protection Agency chief Andrew Wheeler refused to support banning asbestos, one of the deadliest known carcinogens, and dodged questions about the health risks of PFAS chemicals, which have contaminated drinking water nationwide.

Sen. Jon Tester (D-Mt.), noting that the EPA is currently conducting a risk assessment of asbestos, asked Wheeler how long after the review is complete will the agency ban the substance. Tester said the agency's risk assessment should be all the evidence Wheeler and the Trump administration will need to pull asbestos off the market.

"That risk evaluation, by the way, I think is going to be absolutely a rock-solid no-brainer, because the evidence is there," said Tester. "How long will it take you to pull it off?"

"I can't pre-judge a risk assessment before it's finished," Wheeler replied. He said that if the assessment was "rock-solid," the EPA would "move quickly," but would not commit to a timetable."



Asbestos-triggered diseases kill an estimated 15,000 Americans a year. A recent study led by the president of the International Commission on Occupational Health found the death toll from asbestos exposure may be much higher – nearly 40,000 Americans a year and more than 255,000 a year worldwide.

“Banning asbestos should be one of the easiest decisions any EPA administrator could make,” said Scott Faber, EWG senior vice president for government affairs. “If almost anyone else other than Andrew Wheeler and Donald Trump were in charge of the agency, it would be.”

Last year, the Asbestos Disease Awareness Organization and EWG discovered that Russia’s largest asbestos producer, with close ties to Vladimir Putin, was wrapping its products in packaging adorned with President Trump’s image. The company posted on Facebook a photo of pallets of asbestos with a caption praising both Trump and then-EPA Administrator Scott Pruitt for refusing to take action to ban asbestos in the U.S.

Tester moved on to ask Wheeler about the crisis of water contamination by the PFAS chemicals used most heavily in firefighting foams. He asked if the administrator had concerns that those substances could cause cancer or liver disease – two of the many adverse health effects studies have linked to the chemicals.

“I’d have to get back to you on the exact ones that are in the firefighting foam,” responded Wheeler.

“Andrew Wheeler recently announced a nationwide ‘action plan’ to get control of the growing PFAS contamination crisis, but he can’t answer basic questions about whether they could cause harm to human health,” said Faber. “That’s like a dentist who can’t tell you the source of your tooth decay.”

Wheeler testified today before the Senate Appropriations Subcommittee on Interior, Environment and Related Agencies on President Trump’s 2020 proposed budget. It calls for a 31 percent reduction in the EPA’s funding. That would cut the agency’s budget from \$8.9 billion to \$6.1 billion.

On Tuesday, Wheeler testified before a House appropriations panel, where he defended Trump’s plan to slash his own agency’s funds to the lowest level in nearly 30 years.

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The Environmental Working Group is a nonprofit, non-partisan organization that empowers people to live healthier lives in a healthier environment. Through research, advocacy and unique education tools, EWG drives consumer choice and civic action.

#### **Inside EPA**

#### **House Democrats Press Wheeler For Answers On EPA's Declining Staffing**

<https://insideepa.com/daily-news/house-democrats-press-wheeler-answers-epas-declining-staffing>

**Doug Obey**

**Posted: April 2, 2019**

Democratic appropriators in the House are pressing EPA chief Andrew Wheeler on what he is doing to shore up the agency's workforce, expressing concerns that agency leadership is not maintaining staff at levels allowed by prior funding laws and that staff departures are jeopardizing environmental protection.

The workforce concerns surfaced during an April 2 House Appropriations subcommittee hearing on the Trump EPA's fiscal year 2020 budget request, though the proceeding also allowed lawmakers to query Wheeler on an array of Trump administration policies.

Wheeler's testimony likely foreshadows additional written responses from the agency on workforce and a range of other topics.

“EPA just can't shrink anymore if it is going to be able to fulfill its mission of public health,” House Appropriations Interior subcommittee Chairwoman Betty McCollum (D-MN) said during the hearing. “Basically, we want to know whether the agency has been hiring new staff to replace the people who leave.”

McCollum said upcoming written questions from panel lawmakers to Wheeler will reflect concerns that staff has continued to decline over roughly the past three years, in the wake of a series of staff buyouts. The departures have occurred despite relatively steady funding from Congress that pushed back against Trump administration proposals for deep cuts to the agency.

“Our concern is that when EPA does not have enough personnel on board, the work that the American people expect the government to do goes undone,” she said, noting that many of her colleagues feel the Trump administration has been trying to shrink the agency's workforce “any way it can.”

Other Democrats raised similar concerns including Rep. Mike Quigley (D-IL) who argued that there is a disconnect between EPA promises to implement congressional budget priorities and what has been happening on the ground at the agency.

Quigley raised particular concerns that EPA's Region 5 office has lost over 120 engineers and scientists since 2017, has yet to spend funding Congress made available in FY18 to hire replacements, and has replaced fewer than 20 percent of the staff it has lost.

He pressed Wheeler on why each region has not fully spent accounts designated for salaries and expenses.

“What steps will you take to speed up the hiring in each region?” he asked. “You can't say you are going to implement the budget if you haven't and are not.”

### **Wheeler's Response**

Wheeler's responses on the issue broadly focused on acknowledging challenges facing the agency and pledging to work with lawmakers.

But his assurances come after more than two years of the Trump administration that have tested the patience of EPA staff, amid the ongoing rollback of many Obama EPA initiatives, restructuring efforts and uncertainty -- exacerbated by the recent month-long government shutdown.

“Congressman, I will tell you that we are trying,” Wheeler told Quigley, acknowledging “serious workforce challenges” that include the agency having gone for several years without a permanent human resources director until one was hired less than a month ago, after he personally interviewed job candidates.

Wheeler added that 40 percent of the agency workforce is eligible to retire in the next five years, and that the agency is now trying to hire staff but also losing people at a “very fast rate.” In the Toxic Substances Control Act (TSCA) program, for example, “we are hiring people as fast as we are losing people.”

Quigley asked Wheeler to detail in writing “exactly what you are doing to recruit, the numbers that you are interviewing, and exactly what your approach is.”

Wheeler at another point sought to assure McCollum that he understands EPA's workforce challenges, noting that he had confronted issues related to looming retirements at the Nuclear Regulatory Commission (NRC) during the 2000s when he worked for Sen. George Voinovich (R-OH). He characterized NRC as perhaps the only government agency with more technical experts than EPA.

McCollum, however, noted that the recent government shutdown certainly “didn't help” when it comes to retaining agency staff.

American Federation of Government Employees Council 238 President Gary Morton said in a statement coinciding with Wheeler's testimony that “to properly support our work, the EPA must be funded at around \$11 billion with 16,500 full-time workers -- a far cry from the outlandish \$6.1 billion proposed by the president.”

### **'Misguided Policy'**

Lawmakers at the hearing also grilled Wheeler on a range of agency activities, including the proposed rollback of vehicle greenhouse gas and fuel economy standards, the agency's plans for regulating perfluorinated substances, the recent replacement of numerous members of the Clean Air Scientific Advisory Committee, and its decision to review formaldehyde risks within the TSCA program and not the Integrated Risk Information System (IRIS).

McCollum predicted that Congress would spurn -- as it has in previous years -- the Trump administration's call for drastic cuts to EPA funding, with this year's request seeking between a 25-31 percent cut to the agency's budget, depending on the funding baseline.

But she argued that EPA's “under staffing and misguided policy priorities” -- including delays in protections from toxic chemicals, a drop off in enforcement activity, and backing away from vehicle GHG controls -- mean the agency is “failing to deliver the basic protections for human health and the environment that people expect.”

Wheeler in his prepared testimony touted increased industry compliance with environmental rules through self audits and efforts by the agency on criminal enforcement that he said are reversing a downward trend in new criminal cases since 2011.

Regarding vehicles, Rep. Chellie Pingree (D-ME) asked Wheeler to provide records on the agency's consultation with California and other state officials, and Wheeler at another point appeared to downplay divisions between EPA and the Department of Transportation (DOT) over their joint rollback proposal.

Full Appropriations Committee Chairwoman Nita Lowey (D-NY) also pressed Wheeler on widely-publicized concerns that the agency's technical staff had with the vehicle rollback plan. He responded that “we certainly plan to have a final rule that both the technical staff and career staff at EPA and [DOT] will fully embrace and stand behind.”

In response to questioning from Rep. Bonnie Watson Coleman (D-NJ) on the agency's proposal to scrap the existing determination that utility mercury emissions should be regulated, Wheeler reiterated claims that its rulemaking would not cause utilities to turn off controls that have already been installed.

Among the concerns from Republican lawmakers at the hearing is the status of EPA's efforts to offer small refiners compliance waivers from the renewable fuel standard (RFS), an issue flagged by Rep. Chris Stewart (R-UT).

Wheeler told Stewart that the agency has yet to receive formal waiver requests for 2018. Those requests are initially reviewed by the Department of Energy, and he said they could come within days.

He said that the agency will try to respond to those applications within 90 days, but may not be able to clear all of them due to a half dozen pending RFS-related regulations, including a proposal to allow 15 percent ethanol blends to be sold year-round, and the latest annual RFS blending targets expected late this year. -- *Doug Obey* ([dobey@iwpnews.com](mailto:dobey@iwpnews.com))

#### **New England Public Radio**

#### **New England EPA Still Without Permanent Director**

<https://www.nepr.net/post/new-england-epa-still-without-permanent-director#stream/0>

**Nancy Eve Cohen**

**Posted: April 3, 2019**

The EPA's New England office — which serves six states and ten tribal nations — has been run by an acting administrator for three months.

Deborah Szaro, the deputy regional administrator, took over in January after the former administrator stepped down to become the assistant administrator of the EPA's Office of Chemical Safety and Pollution Prevention.

The head of the EPA had appointed a new person to lead the New England region.

Paul Mercer, former commissioner of Maine's Department of Environmental Protection, was supposed to start in early March, but he backed out the Friday before his first day.

Dennis Regan, Berkshire Director of the Housatonic Valley Association, said he is optimistic about Szaro, the interim administrator.

“Just the title — acting [regional administrator] — doesn’t provide a lot of confidence,” said Regan. “But she is also the deputy [regional administrator] of Region 1, and has been for quite a while, so I believe she has a lot of experience.”

Regan said he is hopeful Szaro, who has worked for the EPA since 1987, will make progress on the Housatonic River cleanup. He said past leadership wanted to mediate points of conflict, which he said is delaying the cleanup.

EPA’s southeastern office is also headed up by an acting regional administrator. That office works with eight states and six tribes.

Other parts of the federal government that serve as stewards for natural resources are also led by people in acting positions, according to agency websites.

The U.S. Department of Interior has an acting secretary, leading 70,000 employees.

The National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Land Management — all part of the Department of Interior — are led by deputy directors .

#### **The Salt Lake Tribune**

#### **Commentary: EPA's leadership is destroying the scientific foundation of environmental regulations**

<https://www.sltrib.com/opinion/commentary/2019/04/02/commentary-epas/>

**Bernard Goldstein**

**Posted: April 2, 2019**

For years, the fossil-fuel industry has lobbied to weaken air pollution standards. It may now get its wish. Last week, the Environmental Protection Agency’s Clean Air Scientific Advisory Committee met via teleconference to devise a new standard for airborne particle pollution. It’s a vitally important task: These tiny particles reach deep into human lungs, causing significant pulmonary and heart problems. And in many parts of the United States, such pollution exceeds the existing health-based particulates standard.

But EPA Administrator Andrew Wheeler, a former coal-industry lobbyist, has hobbled the committee's long-standing process to the point that its members cannot provide an informed opinion consistent with the Clean Air Act's mandate of being "requisite to protect the public health."

I was the chair of the advisory committee, or CASAC, under Anne Gorsuch, President Ronald Reagan's first EPA administrator, and was subsequently appointed by Reagan to head the EPA's Office of Research and Development under Gorsuch's replacement, the moderate Republican environmentalist William Ruckelshaus. I would have resigned either position had the agency's overall advisory processes been subject to its current destructive alterations.

The EPA's organizational structure necessitates a strong and unbiased external advisory process. By having its own in-house science arm, the agency's political leadership can exert pressure to get the answers it wants. As a counterbalance, it is necessary to have external advisory processes through independent bodies such as CASAC.

Congress established this committee in 1977 to provide unbiased external scientific advice on air-pollutant standards, which are revisited every five years. Congress requires the committee to have seven members, including one from a state agency. But it soon became clear that a seven-member committee would not have sufficient in-depth expertise to make a science-based recommendation. Accordingly, for more than 40 years, the committee has drawn on the expertise of external advisory subcommittees established for each pollutant of concern. These much larger committees openly

review the EPA's own scientific analysis of the thousands of pertinent peer-reviewed papers and inform the committee's members of their findings, which committee members then use to recommend health-based standards to the EPA administrator.

That is how it is supposed to work. But last October, Wheeler suddenly and highhandedly terminated the subcommittees working to develop recommendations for the particulate standard, as well as the standard for ozone pollution (which CASAC will review next).

The full weight of providing advice now falls solely on the seven CASAC members. The science underlying particulate standards is especially complex, and the scientific discipline of epidemiology is central to understanding the health effects of both particulates and ozone. But CASAC, for the first time in memory, lacks a single epidemiologist.

Wheeler has appointed four state agency members to CASAC, an unprecedented majority. All work for Republican governors. The current chairman of CASAC is a consultant who also works for industry clients.

Moreover, Wheeler promulgated a new rule that prohibits scientists funded by the EPA from providing the agency with advice. While the ostensible justification for this rule is to root out any pro-EPA bias, the effect is to disqualify the best scientists from advising the agency. Meanwhile, industry representatives and consultants- including those from polluting industries with a clear interest in lax standards- are welcome to provide advice.

When I served at the EPA, Gorsuch was criticized for attempting to control the statements of EPA scientists and cutting the agency's science budget, as has current EPA leadership. But she did nothing that even came close to the assault on the independence and expertise of the scientific advisory processes carried out by Wheeler and his predecessor, Scott Pruitt.

I had hoped that Wheeler would reverse Pruitt's initial policies. Instead, he has taken them well beyond the point that, were I a member of CASAC, I would have resigned. Neither my conscience, nor my concern for the respect of my peers, would have allowed me to provide advice on a complex health-related subject when I cannot interact in a scientific consensus advisory process with those who have the necessary expert credentials.

I cannot ask President Donald Trump's EPA assistant administrator for research and development to resign. That position remains unfilled. Nor is it likely that any credible scientist would accept such a nomination. But I urge the current members of CASAC to step down rather than seemingly acquiesce to this charade. The EPA's leadership is destroying the scientific foundation of environmental regulations, to the detriment of the health of the American people and our environment.

## **Air**

### **Bloomberg Environment**

#### **Air Quality Panels Cut Because They Took Too Long, EPA Head Says**

<https://news.bloombergenvironment.com/environment-and-energy/air-quality-panels-cut-because-they-took-too-long-epa-head-says>

**Abby Smith, Amena Saiyid**

**Posted: 1:36pm, April 3, 2019**

- Sub-panels disbanded to meet 5-year air policy deadlines, Wheeler says
- Defense comes as EPA air advisers ask to reinstate sub-panels

The slow pace of panels of outside scientists charged with helping EPA evaluate air quality standards was hampering the agency's ability to meet its deadlines, EPA head Andrew Wheeler said April 3.

It was the first time Wheeler has explained a reason for his October decision to disband panels of independent scientists, engineers, and other specialists who served on subcommittees of the Clean Air Scientific Advisory Committee (CASAC).

The congressionally mandated committee is tasked with helping the EPA review the science underpinning federal air quality standards for ozone, particulate matter, and four other pollutants.

The EPA is required to review its air quality limits every five years, but has rarely met that timeline. The agency must complete its review of standards for both ozone and particulate matter by December 2020.

The Environmental Protection Agency administrator's decision to eliminate the sub-panels of outside specialists has faced sharp criticism from scientists and environmental groups. He has refused to budge from that decision despite repeated calls from existing and former full committee members to reinstate the subcommittees.

Now Wheeler is saying the decision was part of an effort to "streamline" the review process to ensure the EPA meets its five-year deadlines.

"Part of the problem was having subcommittees, which are not required under the statute, took a lot of time to go back-and-forth between the subcommittee and the full CASAC committee," Wheeler said in response to questions from Sen. Chris Van Hollen (D-Md.) during an April 3 budget hearing.

#### **'Literally Months and Years'**

Van Hollen pushed back, asking Wheeler why the EPA couldn't give the subcommittees a deadline by which to submit their information.

Wheeler said prior administrations have taken that step but have still been unable to meet the five-year review timeline.

"It is that formal subcommittee review process that took literally months and years," Wheeler said. He added that he assured the head of the CASAC that the members could seek outside technical assistance and scientific review as needed.

"The agency has never met the five year-deadline that is required under the Clean Air Act, so we reformed the process in order to meet the deadline given to us by Congress," Wheeler added.

The defense from Wheeler is a step beyond what he's been willing to say previously. Up until this point, Wheeler has maintained that the full committee, which has seven members, has enough expertise to complete the reviews and the subcommittees weren't needed.

#### **Reasons for Delay**

Scientists and former CASAC members, however, are pushing back on Wheeler's claims.

The committee's process isn't the reason the EPA has had trouble meeting the five-year timeline, Christopher Frey, a former chairman of the committee and an environmental engineering professor at North Carolina State University, told Bloomberg Environment in a statement. Instead, the EPA has been slow to initiate reviews and to work on rules after receiving the committee's advice, he said.

"Taking experts away from CASAC does not 'streamline' the review process—it hamstring the review process," Frey added.

And Wheeler's critics say eliminating the subcommittees takes away another avenue for the EPA to receive independent scientific advice on its regulations.

He "is now admitting he wanted to shortcut EPA's way of getting science advice on air pollution standards," said Gretchen Goldman, research director for Union of Concerned Scientists' Center for Science and Democracy.

Van Hollen also didn't buy Wheeler's rationale.

"It looks like another step to eliminate outside independent expert opinion," the Maryland senator told Wheeler. "The credibility of the agency is clearly being hurt here."

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## **Bloomberg Environment**

### **Cleveland Meets EPA Air Quality Standards for Particle Pollution**

<https://news.bloombergenvironment.com/environment-and-energy/cleveland-meets-epa-air-quality-standards-for-particle-pollution>

**Amena Saiyid, Alex Ebert**

**Posted: 1:55pm, April 3, 2019**

- Cleveland no longer violates particle pollution standard
- Particles stem from burning fuel, linked to asthma, heart disease

Cleveland's air is cleaner now, the head of EPA asserted April 3.

This wasn't the case four years ago when the Environmental Protection Agency found the city in violation of the national air quality standards for fine airborne particle pollution that is linked with exacerbated respiratory and cardiac problems.

Since then, the city has taken steps to reduce its pollution from automobiles and power plants and other industrial sources.

As a result, Cleveland is now meeting the annual 12 micrograms-per-cubic-meter standard the EPA set in January 2013.

The city's compliance will be announced later in the week, EPA Administrator Andrew Wheeler told Senate appropriators during a discussion of the agency's budget request for fiscal year 2020.

The EPA bases its compliance designations on recommendations made by state and tribal air agencies about which localities are meeting the standards.



States and tribes are informed of the intended area designations, which include the counties that would be designated as nonattainment areas. Cleveland is the only one of 14 localities across the nation that the Obama EPA found to be in violation of the standards that is now meeting them, an EPA spokesperson said.

Officials from Cleveland and the Ohio Environmental Protection Agency weren't immediately available for comment.

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## **Bloomberg Environment**

### **EPA to Ease Air Limits for Alaska Diesel Generators**

<https://news.bloombergenvironment.com/environment-and-energy/epa-to-ease-air-limits-for-alaska-diesel-generators>

**Abby Smith, Amena Saiyid**

**Posted: 11:33am, April 3, 2019**

- EPA plans to issue final rule removing pollution limits for remote Alaska areas
- Action is consistent with legislation that would require EPA to ease standards

The EPA will issue a rule in June relaxing air pollution standards for diesel generators in remote areas of Alaska, Administrator Andrew Wheeler told senators.

“We are working to provide regulatory relief” and plan to remove so-called tier 4 air pollution requirements for operators of diesel generators in those areas, Wheeler said in response to questions from Sen. Lisa Murkowski (R-Alaska) during an April 3 budget hearing.

The Environmental Protection Agency is planning to release a notice of proposed rulemaking and direct final rule in June, Wheeler added.

Diesel generators emit air pollution such as nitrogen oxides, particulate matter, sulfur dioxide, carbon monoxide, and hydrocarbons. All are harmful to human health, according to the EPA.

### **Legislation on Same Issue**

The EPA's action would be consistent with legislation re-introduced in early January in the Senate by Sen. Dan Sullivan (R-Alaska) and in the House by Rep. Don Young (R-Alaska). That legislation would require the EPA to set standards for air particle pollution for diesel generators in Alaska built after 2014 that are less stringent than standards the EPA set in 2016.

The bill cleared the Senate environment committee in February. Last year, the legislation passed the Senate but didn't clear the House.

The EPA's 2016 standards required diesel generators to install a device to capture particle pollution.

Murkowski said that she and others in the Alaska delegation have asked the EPA to reexamine the 2016 standards.

“You know this issue very well in terms of the high cost of compliance to many of our small remote communities,” Murkowski told Wheeler.

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#### **Inside EPA**

##### **Final SAB 'Advice' To EPA On Biomass CO2 Conflicts With Agency Policy**

<https://insideepa.com/daily-news/final-sab-%E2%80%98advice%E2%80%99-epa-biomass-co2-conflicts-agency-policy>

**Dawn Reves**

**Posted: April 2, 2019**

EPA’s Science Advisory Board (SAB) has completed its long-pending advice to EPA on calculating biomass carbon dioxide emissions from smokestacks after accounting for forest regrowth, reaching conclusions at odds with agency policy and unable to endorse a cohesive framework for how to assess the emissions.

The [board’s March report](#), quietly posted to the SAB website last month, ends a nearly decade-long process that included deep internal splits between SAB members and panelists on a special committee the board created to study the issue.

But SAB’s final report sharply conflicts with current EPA policy on assessing biomass carbon. The board says the fuel cannot be automatically considered carbon neutral, whereas EPA’s policy concludes that it can be, at least for biomass from managed forests.

The final report also does not endorse a cohesive framework for how to deal with biomass emissions, and blames EPA for not providing a regulatory context for addressing the emissions.

“There is no single answer to what these [biogenic assessment factors (BAFs)] should be, as not all biogenic emissions are carbon neutral nor net additional to the atmosphere, and assuming so is inconsistent with the underlying science,” the report says.

Underscoring the agency’s difficulty, Administrator Andrew Wheeler testified at an April 2 House appropriations hearing that EPA expects to [propose a rule](#) this summer implementing a congressional directive to treat most biomass power as carbon neutral for regulatory purposes.

“It is a little more difficult than we originally anticipated,” he said. “It is taking some time, but we are moving forward with that, and we intend to have something out this summer.”

EPA, the Energy Department (DOE) and the Agriculture Department (USDA) are already generally treating biomass energy as carbon neutral, following provisions in the 2017 and 2018 appropriations laws requiring them to “recognize” the carbon neutrality of biomass and to develop related policies “consistent with their missions.”

When similar language arose in spending bills during the prior administration, President Barack Obama threatened a veto.

SAB Chairman Michael Honeycutt finalized the report after a September meeting where the board discussed the pending report. He sent the document, along with a March 5 letter to Wheeler, stressing that the review “would have been enhanced if the Agency offered a specific regulatory application.”

EPA first asked the SAB’s biogenic CO<sub>2</sub> panel to review its draft framework in 2011, and revised the framework in 2014 after the board identified significant limitations in the approach. The SAB panel’s advice on the later draft serves as the basis of the final document, though the panel and the full SAB went back and forth to seek to resolve disagreements.

### **Long Time Frame**

A key point of contention was the panel’s call to use a very long timeframe to assess emissions and regrowth, which aligned with industry advocacy. Instead, the SAB ultimately said EPA should use a timeframe that comports with the particular policy it is crafting.

In response to receipt of the work, an EPA spokeswoman says the agency “appreciates the hard work and dedication of the Biogenic Carbon Emissions Panel and the Chartered SAB, and thanks them for their recommendations supporting EPA’s technical work on this important topic.”

But the spokeswoman adds that EPA will consider the SAB’s final recommendations “in light of” the spending law provisions on biomass, as well as in the context of an April 2018 agency statement and a November letter EPA, DOE and USDA sent to Congress.

The EPA policy statement said the agency would consider biomass CO<sub>2</sub> “resulting from the combustion of biomass from managed forests at stationary sources for energy production as carbon neutral.” In the letter to Congress, the agencies reiterated their efforts to consider biomass a carbon neutral fuel for electricity and to generally promote various other benefits of biomass power.

The National Alliance of Forest Owners and the Biomass Power Association, both of which have long pressed for biomass to be treated as carbon neutral, declined to comment on the culmination of the years-long SAB process. They had long ago become exasperated with the complicated scientific debate and warned that a cumbersome framework would be unworkable in the real world.

The American Forest & Paper Association expressed some disappointment with the report's conclusions while continuing to stress the carbon neutrality and other benefits of biomass. The group's president Donna Harman tells *Inside EPA*, "Unfortunately, after almost nine years, the need remains for EPA to resolve the regulatory uncertainty that has cast a cloud over the U.S. bio-economy, and we support efforts that will resolve regulatory uncertainty in this area."

One environmentalist opposed to biomass power praises the final SAB document and notes that it "concludes something very different from official EPA policy of treating all biomass as carbon neutral."

The source notes the SAB "explicitly rejects the approach that EPA is using now."

The report also "rejects the approach of comparing carbon conditions of the landscape with itself as a way of determining whether [sequestered] carbon has been lost or gained, and recommends as valid the approach of comparing against a reference scenario."

Further, the final report clearly states that the determination of whether biomass increases or reduces CO2 will depend on the selected timeframe, and that there is no one correct timeframe. "This is a big departure from before," the source notes, and is one where the full SAB rejected the panel's recommendation to use a long time horizon, out to where equilibrium is reached.

The report says, "The selection of the time period for assessment is not a purely scientific question and may be primarily driven by the objectives associated with the use of BAFs to be estimated using this framework."

The SAB adds that it "favors selecting the time horizon for calculating the BAF to comport with the objective under consideration, which is generally dependent on the regulation mandating use of that particular BAF."

### **'False Distinction'**

The environmentalist says the final report "still draws a false distinction between a 'landscape' approach and a 'stand level' approach," and says it is "false because a landscape is nothing more than an assemblage of stands."

That issue also arose at SAB's Sept. 26 meeting to review the final draft of the report, where the board signaled it would urge EPA to account for biomass emissions and regrowth within a specific policy context rather than over the long time horizon when the two are equal, as the panel had recommended.

The full SAB decided to move forward with a focus on policy timelines despite comments and a Sept. 24 letter opposing the board's report from four of the panelists, including Chairwoman Madhu Khanna. The board unveiled the draft report last August, after taking it over from the panel six months prior.

One panel member told *Inside EPA* following that meeting that if the final SAB guidance "still conflicts on key scientific issues with the Panel guidance, this won't be over." -- Dawn Reeves ([dreeves@iwpnews.com](mailto:dreeves@iwpnews.com))

**PoliticoPro**

**Wheeler says expert panels slowed air quality reviews**

Alex Guillen

Posted: 12:31pm, April 3, 2019

EPA Administrator Andrew Wheeler on Wednesday defended his elimination of special panels of scientific experts on ozone and particulate matter pollution, saying it would allow the agency to finish new air quality rules more quickly.

Wheeler last fall drew criticism when he dismissed expert subcommittees that had been formed to advise the main Clean Air Scientific Advisory Committee, which reviews the latest science and advises EPA on setting air quality standards. Such subcommittees were common practice in past reviews and provided the seven-member CASAC with subject-matter expertise.

EPA is on track to finish reviews of National Ambient Air Quality Standards by the end of 2020 for ozone and particulate matter — two of the most sweeping air quality regulations being written under the Trump administration. The Clean Air Act requires EPA to review and potentially revise NAAQS standards every five years, a deadline administrations from both parties have frequently failed to meet.

Sen. [Chris Van Hollen](#) (D-Md.) said Wheeler is undermining his agency's mission to protect public health.

"The credibility of the agency clearly is being hurt here," Van Hollen said at a Senate Appropriations subcommittee hearing Wednesday.

But Wheeler said the expert panels were a major speed bump preventing EPA from meeting its statutory deadlines under the Clean Air Act.

"Part of the problem was having the subcommittees, which are not required under the statute, took a lot of time to go back and forth between the subcommittee and the full CASAC committee. So we streamlined the CASAC review so we will get both of those reviews, for ozone and PM, done within the five years," Wheeler said under questioning from Van Hollen.

Ozone and particulate matter are linked to health problems such as respiratory and cardiopulmonary illnesses, increased risk of heart attacks and early mortality, and environmental issues such as acid rain and nutrient depletion. The standards require cities and states to take steps to keep them out of local air. A less restrictive standard from EPA could ultimately allow sources such as power plants and refineries to emit more pollution and save millions of dollars in regulatory and compliance costs.

The ozone standard was last updated in 2015, which sets a statutory deadline to finish another review by next year. The PM review is already overdue after last being updated in 2012. Former Administrator Scott Pruitt [directed](#) that review to be finished by the end of 2020.

Several CASAC members have since [called](#) for Wheeler to reinstate the expert subcommittees. In a recent Washington Post [op-ed](#) cited by Van Hollen, Reagan-era former CASAC Chairman Bernard Goldstein said Wheeler's move "has hobbled the committee's long-standing process to the point that its members cannot provide an informed opinion."

The panels not only provided critical expertise, but they also helped handle the heavy load of reviewing the lengthy, complicated scientific documents that form the foundation of EPA's air quality rules, the CASAC members have argued.

Wheeler said on Wednesday there is nothing stopping CASAC from seeking outside help.

“I have assured the head of CASAC that if they need outside technical assistance, outside scientific review, they’re still allowed and are able and can call, reach out to epidemiologists and get additional input. But it is that formal subcommittee review process that took literally months and years,” he told lawmakers.

However, that may not be enough for CASAC’s members.

During a conference call last week to discuss EPA’s particulate matter review, CASAC member Mark Frampton, a pulmonologist at the University of Rochester Medical Center, noted that he could indeed call up any scientist he wanted to chat and ask questions.

“On the other hand, it’s a whole different [thing] to ask [an expert] to spend some time reviewing a draft document, to put down written comments on the parts of that document he has expertise on, and then attend a review meeting,” Frampton said on the March 28 teleconference. “And I think that’s in fact what needs to happen and what has happened in the past with the expert review panels.”

In addition, CASAC members have been critical of other aspects of the ozone and PM reviews, including EPA’s rapid timeline designed to meet the five-year deadlines that fall before the end of Trump’s first term.

Members in November raised concerns about their ability to advise EPA on ozone-related science on such a robust timeframe. And in March, CASAC blasted EPA’s draft science plan for the PM review and recommended EPA create a new one for the committee to review, a development that would add significant delays to finishing the rulemaking on schedule.

## Chemicals

### Bloomberg Environment

#### EPA’s Fluorinated Chemical Risk Assessments Due Out in 2020

<https://news.bloombergenvironment.com/environment-and-energy/epas-fluorinated-chemical-risk-assessments-due-out-in-2020>

Sylvia Carignan

Posted: 4:52pm, April 2, 2019

- EPA releases schedule for IRIS assessments
- Agency assessing several PFAS chemicals

The EPA plans to release drafts of its chemical risk assessments for a handful of ubiquitous chemicals in 2020.

The Environmental Protection Agency is studying the potential adverse health effects of human exposure to poly- and perfluoroalkyl substances, also known as PFAS, under the Integrated Risk Information Program.

The agency on April 2 released its time frame for public comment on draft assessments of PFNA, PFBA, PFHxA, PFHxS, and PFDA projecting comment submission for the third or fourth quarters of fiscal year 2020.

There are thousands of chemicals in the PFAS family, and some are being found in drinking water around the country. Manufacturers have used PFAS chemicals to make nonstick and stain-resistant coatings in clothing, fast-food wrappers, carpets, and other consumer and industrial products.

PFAS chemicals may cause adverse health effects, including developmental harm to fetuses, testicular and kidney cancer, liver damage, immune system or thyroid effects, and changes in cholesterol, where exposure levels exceed certain levels, according to the EPA.

State and federal regulators combine the EPA's IRIS assessments with exposure information to set standards and regulations on air and water pollution, chemicals, and contaminated sites.

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#### **E&E News**

##### **State sues over deadly Texas plant fire**

<https://www.eenews.net/greenwire/stories/1060141689/search?keyword=epa>

#### **Associated Press**

**Posted: April 3, 2019**

The state of Texas has filed a court petition seeking action against a company whose plant caught fire near Houston yesterday.

One worker was killed and two were injured critically in the fire at the KMCO chemical plant in Crosby (***E&E News PM***, April 2).

The Texas attorney general's office filed the petition in state district court in Austin on behalf of the Texas Commission on Environmental Quality. The petition seeks a permanent injunction, civil penalties and reasonable attorney fees, and court costs, along with recovery of investigative costs.

Harris County had obtained an injunction against KMCO in 2009 that required the firm to pay \$100,000 in civil penalties and give investigators easy access to the plant and prompt notification of releases.

John Foley, president and CEO of KMCO, said at a news conference yesterday afternoon his company will find the cause of the fire and "take steps to ensure this doesn't happen again."

Pilar Davis, a product manager with KMCO, said the fire initially ignited with isobutylene and was fueled by ethanol and ethyl acrylate. All three are chemicals and solvents used to make fuel additives at the plant.

Foley said safety and compliance remain his company's "No. 1 priority."

Records show KMCO has a history of environmental violations.

In 2016, KMCO's corporate agents pleaded guilty to a federal criminal charge of violating the Clean Air Act. A plea agreement document stated that a plant employee made false entries in logs of air testing of tanks that were known to be leaking chemicals. Another employee then used those falsified logs to submit reports to the federal and state environmental authorities. The document says the violation went on between 2008 and 2012.

A year earlier, EPA cited KMCO for failing to comply with regulations on its risk-management plan for the plant, but settled with the plant for a \$2,700 penalty. — *Associated Press*

**Gizmodo**

**Second Houston Chemical Plant Fire Spews Thousands of Pounds of Toxic Pollutants Into the Air**

<https://earther.gizmodo.com/second-houston-chemical-plant-fire-spews-thousands-of-p-1833774138>

**Yessina Funes**

**Posted: 11:00am, April 3, 2019**

Another day, another chemical plant fire. That's the depressing reality in the Houston area. Barely two weeks after [a chemical plant fire](#) belched a cloud of toxic smoke over the city of Deer Park, Texas, another plant burst into flames Tuesday in Crosby, Texas, just a half hour drive north.

This time, a worker was killed and another two were severely injured, [the Harris County Sheriff's Office reports](#). And authorities are wasting no time to act: Texas Attorney General Ken Paxton [moved to sue](#) KMCO LLC., the owner of the plant, Tuesday night on behalf of the Texas Commission on Environmental Quality (TCEQ).

"I offer my condolences to the families who have suffered injury or loss and to the community impacted by the KMCO fire earlier today," said TCEQ Executive Director Toby Baker, [in a statement](#). "I applaud the attorney general for acting swiftly on my requests to hold KMCO fully responsible."

So far, all that the Harris County Sheriff's Office knows, [according to its Facebook](#), is that a line caught fire near a tank full of isobutylene, a flammable gas, which then burst into flames. The county's fire marshals have been on site to try and determine the exact cause of the fire, [per Sheriff Ed Gonzalez's Facebook](#). The Harris County Fire Marshal Office is leading the origin and cause investigation, Rachel Moreno, the office's public information officer, told Earther.

The TCEQ moved much more quickly after this fire compared with the first one. For the Deer Park fire, which caused [about a thousand locals](#) to seek medical treatment, the commission waited five days before [filing a lawsuit](#) against plant owner Intercontinental Terminals Company. Both lawsuits are seeking penalties for alleged violations of the Texas Clean Air Act. Luckily, this latest fire was put out within 24 hours, a stark difference from the last plant's fire, which billowed millions of pounds of toxic pollutants like into the air on and off for nearly a week.



At the Crosby plant, the fire resulted in 2,300 pounds of pollutants shooting into the air, according to the TCEQ. It's a comparably small incident, but isobutylene, toluene, and volatile organic compounds were all in the mix—and can be bad for your health. Toluene, for instance, can cause birth defects in unborn children if inhaled in large quantities.

Local concentrations of every single one of these pollutants temporarily shot past the state's emissions limits. According to the TCEQ's only air monitor in the region, the ozone levels spiked 48 parts per billion in the afternoon Tuesday. The Environmental Protection Agency marks 70 parts per billion of ozone as its health standard.

Earther has reached out to the TCEQ for comment on how it plans to remediate any health or environmental impacts. We've also asked the EPA and KMCO for comment on the matter. We will update when they respond.

These incidents are awful, but for many of the residents who have to walk by these industrial facilities, it's just another day in the life. Crosby, with a population just over 2,000, suffers from a poverty rate nearly twice that of the U.S. at large. The surrounding region sees an elevated cancer risk, according to the Environmental Protection Agency's 2014 National Air Toxics Assessment, from formaldehyde and ethylene oxide. And while it's hard to know for sure what causes cancer in any individual, the KMCO Crosby Plant does have some history of emitting large amounts of ethylene oxide and formaldehyde into the air, according to the TCEQ's records.

While authorities continue to investigate the fire's cause, local residents have to try to return to normal. A shelter-in-place order lifted Tuesday night, so residents can leave their homes after a day of sheltering in place. But they have to be ready; they never know when the next fire will erupt.

## **Food Waste**

### **Waste Today**

#### **Federal agencies declare April food waste awareness month**

<https://www.wastetodaymagazine.com/article/epa-usda-fda-food-waste-month-april/>

**Brian Taylor**

**Posted: April 3, 2019**

The U.S. Environmental Protection Agency (EPA), the U.S. Department of Agriculture (USDA), and the Food and Drug Administration (FDA) have designated April as "Winning on Reducing Food Waste Month." The agencies say they are calling for greater collaboration with public, private, and nonprofit partners, plus state and local officials, "to educate and engage consumers and stakeholders throughout the supply chain on the need to reduce food loss and waste."

In the U.S., more than one-third of all available food goes uneaten through loss or waste, according to the agencies. Food is the single largest type of waste in generated municipal solid waste (MSW), the three agencies add.

“Reducing food waste and redirecting excess food to people, animals or energy production provides immediate benefits to public health and the environment,” says EPA Administrator Andrew Wheeler. “I am proud to join President Trump and my federal partners in recognizing April as Winning on Reducing Food Waste Month. We are working closely with our federal partners and stakeholders across the nation to reduce the amount of food going to landfills and maximize the value of our food resources.”

## Fuel

### E&E News

#### Clash over car rules led Shell to spurn refining group

<https://www.eenews.net/greenwire/stories/1060141821/search?keyword=epa>

Maxine Joselow

Posted: April 3, 2019

Royal Dutch Shell PLC made waves yesterday by ending its membership in American Fuel & Petrochemical Manufacturers, citing disagreements over climate change policy.

Overlooked in some news reports about the move, however, was the role of Obama-era fuel efficiency standards for cars.

The two organizations have taken sharply different stances on the standards, which represented some of President Obama's most consequential climate rules and which President Trump is poised to dramatically scale back.

As part of its efforts to become more environmentally conscious, Shell filed regulatory comments opposing the Trump administration's rollback of the car rules last fall (*Climatewire*, Oct. 29, 2018).

John Reese, downstream policy and advocacy manager with Shell Oil Products U.S., wrote in the comments that the rollback would ratchet up dangerous planet-warming emissions.

"The proposal's own analysis of the proposed roll backs acknowledge that the changes will increase emissions," Reese wrote. "The roll back of the standards to 2020 levels will increase vehicle carbon dioxide emissions by 713 million metric tons. Shell does not support this roll back in the standards."

Shell's position was particularly notable because the rollback stands to increase its profits at the pump.

Under the Trump administration's proposal, Americans will use 20 percent more gasoline per year by 2035, according to an analysis by Energy Innovation, a San Francisco-based energy and environmental policy firm.

In direct contrast with Shell, AFPM expressed broad support for the rollback in its own regulatory comments. Richard Moskowitz, general counsel for the trade association, wrote that the rollback would increase safety on the nation's roads and better account for "weak consumer interest" in electric vehicles.

AFPM's advocacy didn't end there. *The New York Times* reported in December that AFPM and Marathon Petroleum Corp. — the nation's largest refiner — also waged a stealth campaign to weaken the car rules on Capitol Hill, in statehouses nationwide and on social media.

The efforts involved taking out Facebook ads urging people to back weaker car rules. The ads featured a picture of Trump alongside the slogan "SUPPORT OUR PRESIDENT'S CAR FREEDOM AGENDA!"

The Facebook ads were paid for by Energy4US, which purported to be "a coalition of consumers, businesses and workers" promoting affordable energy. In reality, Energy4US was a front group created by AFPM, the *Times* reported.

In a report released yesterday, Shell acknowledged AFPM's regulatory comments on the car rules rollback but not the campaign.

"AFPM supports the EPA's proposed rollback of fuel economy standards in the USA, which Shell opposes," the company wrote, providing footnotes with links to both organizations' regulatory comments.

Luke Tonachel, director of clean vehicles and fuels at the Natural Resources Defense Council, commended Shell for its stance on the car rules.

"Shell clearly understands that the administration's rollback of clean car standards is a big problem," Tonachel said in an email. "It will increase pollution, threaten our climate and make driving more expensive. It's time for all oil companies to embrace a clean energy future."

To be sure, the car rules were not the only factor motivating Shell not to renew its membership in AFPM. Other factors included different stances on the Paris Agreement, carbon dioxide emissions pricing and government intervention to support low-carbon technologies (Greenwire, April 2).

Shell spokesman Curtis Smith declined to comment for this story. "I don't think we have anything more to add to yesterday's news," he said in an email. "The statements in the report and any correspondence filed with regulators should make clear our position."

AFPM spokesman Raleigh Miller said the trade association would also decline to comment, pointing to a previous statement from CEO Chet Thompson.

"Like any family, we aren't always fully aligned on every policy, but we always strive to reach consensus positions on policies that are in the best interest of our membership and the communities and consumers that rely on us," Thompson said.

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InsiderEPA

EPA Transportation Chief Promises 'In-Use' Focus For Truck NOx Standard

<https://insideepa.com/daily-news/epa-transportation-chief-promises-%E2%80%98-use%E2%80%99-focus-truck-nox-standard>

Stuart Parker

Posted: April 2, 2019

The head of EPA's transportation office is promising a "laser" focus on "in-use" reductions in nitrogen oxides (NOx) from heavy-duty trucks when the agency develops new standards for the sector next year, suggesting the rule will focus less on new vehicle design standards and more on how vehicles actually perform in practice.

Speaking April 2 at a meeting of EPA policy advisers in Arlington, VA, Office of Transportation and Air Quality chief Chris Grundler said "we are focusing like a laser on in-use performance" as the agency develops the first update to its heavy-duty NOx standards in 18 years. He said EPA intends to propose a new rule in 2020. It is unclear, however, how long it might take to finalize the measure.

Without speaking to the stringency of a new emissions standard, Grundler said “we are off and running,” after a hiatus during the early phase of the Trump administration while the political leadership decided what to do. Grundler noted that California and 19 other states and other entities have petitioned EPA to tighten the standards.

California is now fairly advanced with its planning for a new truck NOx proposal, based on new research and collaboration with industry in the state. California has unique Clean Air Act authority to enforce its own emissions standards tougher than federal limits, though the Trump administration has fought this, particularly regarding vehicle greenhouse gas standards.

The two sides are locked in an increasingly acrimonious dispute over a Trump EPA proposal that would freeze federal GHG standards for light-duty vehicles at 2020 levels, while also scrapping the Golden State’s authority to enforce stronger GHG and zero-emission vehicle limits. California strongly opposes that proposal.

Grundler, however, avoided comment on the GHG dispute, and instead said “we are working very closely” with California on NOx. “We have a lot of catching up to do” with the state’s pioneering work on NOx, Grundler said.

The agency in the fall announced its Cleaner Trucks Initiative, a plan to update outmoded emissions standards, as the share of NOx emitted by heavy trucks continues to grow relative to other sectors. Trucking continues to grow as freight volumes increase, even as other major sources of NOx such as power plants are seeing dramatic reductions in emissions.

EPA has so far revealed few specifics about the initiative. Matthew Leopold, EPA’s general counsel, told a Feb. 7 conference organized by the American Law Institute-Continuing Legal Education that the agency is looking to draft a rule “locking in” advances in vehicle technology that have slashed NOx emissions in recent years. Leopold gave no indication of what level of performance EPA might “lock in,” however.

This lack of detail has led to accusations from some environmentalists that the initiative is an empty gesture, and not a serious effort to tighten NOx standards. “So far, it’s just a phantom, lacking details or pollution reduction targets, far from being even a proposed rulemaking,” said John Walke, an attorney with the Natural Resources Defense Council and a former EPA air official, in an April 2 tweet.

“It’s a talking point” for EPA Administrator Andrew Wheeler “because he lacks anything positive in their current air pollution agenda,” Walke added, after Wheeler raised the initiative in testimony to a House Appropriations Committee panel the same day.

### **‘Comprehensive Approach’**

Meanwhile, at a meeting of the Clean Air Act Advisory Committee’s Mobile Sources Technical Review Subcommittee, Grundler said EPA would take a “comprehensive approach” to a new NOx regulation. This would include updated emissions testing requirements, an examination of whether vehicle emissions control warranties need extending, consideration of expanding the “useful life” of vehicles, and advances in technology such as vehicle sensors, Grundler said.

These are all areas California has already been exploring. The California Air Resources Board, the state's air regulator, says it is likely to propose that manufacturers meet a standard of between 0.01 and 0.035 grams per brake horsepower-hour (g/bhp-hr), with a potential phase-in beginning in 2024 and the full standard possibly taking effect for all engines in 2027. The state coalition petitioning EPA for tougher NOx standards has asked for a standard of 0.02 g/bhp-hr, roughly equivalent to a 90 percent reduction in NOx from current requirements.

In-use controls are restrictions on vehicle use that serve to reduce emissions. Examples could include tougher vehicle maintenance and inspection requirements, on-board diagnostic systems to track performance, telematics to track emissions in real time, or other measures such as speed restrictions, best practices to minimize emissions or idling bans.

Grundler told the mobile source committee that EPA remains very committed to an active enforcement agenda, despite reduced agency resources. This will mean a continued focus on eliminating illegal "defeat devices" that nullify pollution controls. -- *Stuart Parker* ([sparker@iwpnews.com](mailto:sparker@iwpnews.com))

## **Water**

### **Associated Press**

#### **Trump EPA weighs reviving massive Mississippi flood project**

<https://apnews.com/3540932f3d1047c6ab191ad95a06602c>

**Ellen Knickmeyer, Jeff Amy**

**Posted: April 3, 2019**

WASHINGTON (AP) — The Trump administration is taking a fresh look at a long-dead Mississippi flood project that the late Sen. John McCain once called "one of the worst projects ever conceived by Congress."

Environmental Protection Agency chief Andrew Wheeler confirmed Wednesday that his agency is taking a new look at building giant pumps in the Mississippi Delta.

The Bush administration had killed the project in 2008, saying the pumps would cause "unacceptable" damage to wetlands and wildlife, and to the economy and recreation.

Mississippi Gov. Phil Bryant says two months of ongoing flooding wouldn't have been as bad if the pumps had been built.

Bryant took a helicopter tour of the flooded area. He tells reporters that he was in Washington this week lobbying the Trump administration to revive the project.

### **E&E News**

#### **Water chief: Agency setting 'very precise' groundwater stance**

<https://www.eenews.net/eenewspm/2019/04/03/stories/1060142061>

**Ariel Wittenberg**

**Posted: April 3, 2019**

The Supreme Court will hear a case involving which types of pollution discharges trigger the Clean Water Act. Above, one of Maui, Hawaii's wastewater treatment facilities. Warren Gretz/National Renewable Energy Laboratory

EPA water chief David Ross says the agency will reveal its stance on pollutants that make their way to surface water via groundwater "in the very near future."

Ross spoke this afternoon at a National Water Policy Fly-In event at the Hyatt Regency near Capitol Hill to water and wastewater managers from across the country. There, he was asked about EPA's position on the question and what the agency planned to do now that the Supreme Court has agreed to hear *County of Maui, Hawaii v. Hawai'i Wildlife Fund*.

"We are developing a very precise position, recognizing that we have conflicting case law," he said. "It won't answer all questions, but it will provide some framework under which folks can operate."

Ross did not say whether that would come in the form of guidance or an actual regulation, nor did he hint at what that position would be.

In the Maui case, EPA submitted an amicus brief supporting the environmentalists' position that Maui should be held responsible for pollutants traveling through groundwater and reaching the Pacific Ocean, though that brief was submitted during the Obama administration. The 9th Circuit agreed, but decisions in other circuits have rejected that approach.

Even before the 9th Circuit ruled on the Maui case, EPA had asked for the public to weigh in on whether it should issue a regulation or guidance explaining its position on the issue and asked for comments on what that position should be.

"It wasn't even a notice of proposed rulemaking; it was 'tell us what you think,'" Ross said.

He said that the agency is working to finish that effort before Supreme Court oral arguments and that he's glad the high court is looking at the matter.

"We are actually happy the Supreme Court will hopefully provide us guidance," he said.

Ross joked that he is "hoping it is not *Rapanos*-style guidance and we actually have a majority of the court tell us what the law is," referencing a famously muddled 2006 case about the scope of the Clean Water Act that ended in a split 4-1-4 decision.

#### **Irrigation & Green Industry**

#### **EPA announces \$6 billion in WIFIA loans**

[https://igln.com/article-7273-EPA-announces-\\$6-billion-in-WIFIA-loans.html](https://igln.com/article-7273-EPA-announces-$6-billion-in-WIFIA-loans.html)

**Kristin Smith-Ely**

**Posted: 8:44am, April 3, 2019**

U.S. Environmental Protection Agency Administrator Andrew Wheeler announced March 29 the availability of funding to provide an estimated \$6 billion in Water Infrastructure Finance and Innovation Act loans in 2019.

“Through WIFIA, we are addressing several of President Trump’s top priorities simultaneously: modernizing our nation’s aging infrastructure, improving public health protections, and creating jobs,” said EPA Administrator Andrew Wheeler.

“This new round of WIFIA funding provides up to \$6 billion in credit assistance which, combined with other sources, could support \$12 billion in water infrastructure projects and create more than 180,000 jobs. For this round, we are prioritizing construction-ready projects in three areas: water reuse and recycling, reducing exposure to lead and addressing emerging contaminants, and updating aging infrastructure.”

The WIFIA program plays an important role in President Donald Trump’s efforts to rebuild America’s aging water infrastructure while improving local water quality, creating jobs and better protecting public health, according to an EPA news release.

WIFIA loans are available to public and private borrowers for a wide range of drinking water, wastewater, drought mitigation, and alternative water supply projects. This year’s Notice of Funding Availability (NOFA) highlights the agency’s priority to finance projects that are ready for construction in three key areas: reducing exposure to lead and addressing emerging contaminants in drinking water systems; updating aging infrastructure; and implementing water reuse and recycling.

The WIFIA program received \$68 million in funding in the Consolidated Appropriations Act of 2019, which was signed into law by President Trump on February 15, 2019. This is a \$5 million increase in the program’s funding from 2018. Leveraging private capital and other funding sources, these projects could support \$12 billion in water infrastructure investment and create more than 180,000 jobs. EPA will accept letters of interest (LOI) from prospective borrowers for 90 days after publication in the Federal Register.

To date EPA has issued eight loans totaling over \$2 billion in WIFIA credit assistance to help finance over \$4 billion for water infrastructure projects and create over 6,000 jobs. EPA has invited an additional 42 projects in 17 states and D.C. to apply for a WIFIA loan. These 38 borrowers will receive WIFIA loans totaling approximately \$5.5 billion to help finance nearly \$11 billion in water infrastructure investments and create 172,000 jobs.

Established by the Water Infrastructure Finance and Innovation Act of 2014, the WIFIA program is a federal loan and guarantee program at EPA that aims to accelerate investment in the nation's water infrastructure by providing long-term, low-cost supplemental loans for regionally and nationally significant projects.

WIFIA credit assistance can be used for a wide range of projects, including:

- drinking water treatment and distribution projects;
- wastewater conveyance and treatment projects;
- enhanced energy efficiency projects at drinking water and wastewater facilities;
- desalination, aquifer recharge, alternative water supply, and water recycling projects; and
- drought prevention, reduction, or mitigation projects.

EPA will evaluate proposed projects described in the LOIs using WIFIA's statutory and regulatory criteria as described in the NOFA. Through this competitive process, EPA will select projects that it intends to fund and invite them to continue the application process.

For more information about WIFIA and this funding announcement, visit: [www.epa.gov/wifia](http://www.epa.gov/wifia).

**PoliticoPro**

**Wheeler weighs overturning CWA veto of Mississippi flood control project**

<https://subscriber.politicopro.com/article/2019/04/wheeler-weighs-overturning-cwa-veto-of-mississippi-flood-control-project-2998917>

**Annie Snider**

**Posted: 10:11am, April 3, 2019**

EPA Administrator Andrew Wheeler this morning said his agency is "reviewing" the George W. Bush administration's veto of a controversial Mississippi flood control project.

In an exchange with Sen. [Cindy Hyde-Smith](#) (R-Miss.) during a Senate Appropriations subcommittee hearing this morning, Wheeler said he is reconsidering the 2008 decision to veto a Clean Water Act permit for the Yazoo Backwater Area Pumps project, a \$220 million Army Corps of Engineers project to improve farming conditions in a soggy part of the state.

"We are working with the Army Corps of Engineers; we're reviewing the decision that was made in 2008 to veto the Army Corps plan for Yazoo Pumps, trying to determine, in particular with the latest flooding, if that changes our determination and the work that went on in 2008 on reviewing that project. And we're reviewing more recent data and talking with the Army Corps on a near daily basis," Wheeler told Hyde-Smith.

The Bush administration issued the Clean Water Act veto because of environmental damage the project would do to wetlands and wildlife habitat along the Mississippi River. But proponents have tried to revive it under the Trump administration.



Former Senate Appropriations Committee Chairman Thad Cochran (R-Miss.) sought to include a rider in an appropriations measure last year — an effort that ultimately failed. And the political official overseeing the Army Corps, Assistant Secretary of the Army for Civil Works R.D. James, has previously supported the project.

**WGN9**

**Illinois EPA launches online community water system reports**

<https://wgntv.com/2019/04/03/illinois-epa-launches-online-community-water-system-reports/>

**Associated Press**

**Posted: 6:26am, April 3, 2019**

SPRINGFIELD, Ill. — Illinois residents are now able to review the number of lead service lines in their community's water system.

Illinois Environmental Protection Agency Director John Kim announced Tuesday that the agency has launched an online tool that allows residents to download reports on their local water system .

The report details the types of materials that make up water distribution grids.

All data reported for 2017 are now online. Community water systems have until April 15 to submit calendar 2018 data.

The EPA estimates that Illinois has 3.7 million water lines. Of those, about 415,000 are made of lead. About 319,000 are made of copper and potentially contain lead solder.

More than 1.5 million are made of unknown material.